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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,267	05/25/2001	Bryce A. Jones	39201.185 (1410)	3618

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EXAMINER


TON, ANTHONY T

ART UNIT PAPER NUMBER

2661

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/865,267	Applicant(s)  JONES, BRYCE A.	
	Examiner Anthony T Ton	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-15 and 17-30 is/are rejected.
- 7) ☒ Claim(s) 5 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17:2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



**PHIRIN SAM
PRIMARY EXAMINER**

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/22/2004</u> . | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim 1-4, 6-15 and 17-22** are rejected under 35 U.S.C. 102(e) as being anticipated by *Kung et al.* (US Patent No. 6,775,267) hereinafter referred to as *Kung*.

a) **In Regarding to Claim 12:** *Kung* disclosed a communication system configured to generate a bill for a call transmitted over a packet system (*see Figs.1 and 4*), comprising:

a signaling processor (*see Fig.6: Call Manager 218*);

a communication device configured to communicate with the signaling processor and communicate the call over the packet system (*see Fig.6: Broadband Residential Gateway 300A communicates with Call Manager 218; and the 300A communicates the call with another Broadband Residential Gateway 300A over a packet system (IP LNP 122 and CMTS 116A and 116B)*);

a packet billing system configured to detect a call setup message in first signaling transmitted between the signaling processor and the communication device, generate a start record responsive to detecting the call setup message, detect a call complete message in second signaling transmitted between the signaling processor and the communication device, generate an end record responsive to detecting the call complete message, and transfer the start record and

Art Unit: 2661

the end record (*see Fig.4: col.16 line 4- col.17 line 10; 240 and 190; and see col.16 lines 58-63*); and

a public switched telephone network billing system configured to receive the start record and the end record (*see Figs.1 and 4: Billing System (Legacy) (OSS)195 (hence, PSTN billing system)*), and process the start record and the end record to generate a bill (*see col.6 lines 49-57*).

b) In Regarding to Claim 13: *Kung* further disclosed the packet billing system is further configured to generate a first call detail record for the call transmitted over the packet system based on the start record and the end record (*see col.33 lines 25-48*), and transfer the first call detail record (*see Fig.4: Accounting Gateway 240 and Secure Management Data Network 190; and see col.16 lines 58-63*); and

the public switched telephone network billing system is further configured to receive the first call detail record and process the first call detail record to generate the bill (*see Fig.4: Gateway 240 and Billing system 195*).

c) In Regarding to Claim 14: *Kung* further disclosed the packet billing system is further configured to:

read a calling party identification, a called party identification, and first time of day information from the call setup message and enter the calling party identification, the called party identification, and the first time of day information into the first call detail record (*see col.16 line – col.17 line 10; and col.30 lines 9-12*); and

read the calling party identification, the called party identification, and second time of day information from the call complete message and enter the second time of day information into the first call detail record (*see col.16 line – col.17 line 10; and col.30 lines 46-55*).

d) **In Regarding to Claim 15:** *Kung* further disclosed the packet billing system is further configured to determine a length of time for the call transmitted over the packet system based on the first time of day information and the second time of day information, and enter the length of time into the first call detail record (*see col.16 lines 4-9: in which, typically, two messages are received for each call, the first when the call is established, and second when the call terminates (hence, the length of time for the call transmitted over the packet system based on the first time of day information and the second time of day information); and col.16 lines 15-18: the duration, delivered for each segment of the call).*

e) **In Regarding to Claim 17:** *Kung* further disclosed the communication device comprises a switch (*see col.4 lines 23-59: 300).*

f) **In Regarding to Claim 18:** *Kung* further disclosed the communication device comprises a router (*see Fig.4: Edge Router 118).*

g) **In Regarding to Claim 19:** *Kung* further disclosed the communication device is configured to copy the call setup message to generate the start record (*see Fig.6: steps 607, 608 and 609).*

h) **In Regarding to Claim 20:** *Kung* further disclosed the communication device is configured to:

read a calling party identification from the call setup message and insert the calling party identification into the start record (*see col.22 lines 38-64; and col.28 lines 12-21);*

read a called party identification from the call setup message and insert the called party identification into the start record (*see col.28 lines 35-44 and lines 59-67); and*

Art Unit: 2661

determine time of day information and insert the time of day information into the start record (*see col.9 lines 25-36, and col.30 lines 30-36*).

i) **In Regarding to Claim 21:** *Kung* further disclosed the communication device is configured to copy the call complete message to generate the end record (*see Fig.6: steps 626, 628 and 630*).

j) **In Regarding to Claim 22:** *Kung* further disclosed the communication device is configured to:

read a calling party identification from the call complete message and insert the calling party identification into the end record (*see col.28 lines 12-21; and col.30 lines 30-67*);

read a called party identification from the call complete message and insert the called party identification into the end record (*see col.28 lines 35-44 and lines 59-67; and col.30 lines 30-67*); and

determine time of day information and insert the time of day information into the end record (*see col.9 lines 25-36; and col.30 lines 30-67*).

k) **In Regarding to Claims 1-4 and 6-11:** these claims are rejected for the same reasons as Claims 12-15 and 17-23, respectively because the apparatus of a communication system in Claims 12-15 and 17-23 can be used to practice the method steps of Claims 1-4 and 6-11.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 23-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kung et al.* (US Patent No. 6,775,267).

In Regarding to Claims 23-30: *Kung* disclosed a method of billing IP broadband subscribers communication system to bill a call transmitted over a packet system as claimed in claims 1-4 and 8-11, respectively. This method can be applied to reject these claims for the same reasons as claims 1-4 and 8-11 because it is well known in the art that method steps can be programmed by utilizing COBRA software standard to automate a process (*see col.12 lines 37-52: COBRA standard*). The resulting program is considered as firmware or software that the apparatus uses to perform the method steps.

It would have been obvious to include in *Kung* this well-known art, the motivation being to make *Kung*'s billing IP broadband subscribers system operate automatically.

Allowable Subject Matter

5. **Claims 5 and 16** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Examiner Information


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Anthony T Ton** whose telephone number is **571-272-3076**. The examiner can normally be reached on M-F: 8:30 am - 5:00 pm.

Art Unit: 2661

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ken Vanderpuye** can be reached on **571-272-3078**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

by : 
Anthony T. Ton
Patent Examiner
December 11, 2004



PHIRIN SAM
PRIMARY EXAMINER